

|             |                    |
|-------------|--------------------|
| Howeth.     | Perdue.            |
| Hughes.     | Potter.            |
| Hull.       | Quinn.             |
| Jacks.      | Rogers.            |
| LeMaster.   | Stell.             |
| Lewis.      | Stewart of Jasper. |
| Looney.     | Turner.            |
| McNatt.     | Wells.             |
| Morgan      | Wessels.           |
| of Liberty. | Winfree.           |

Present—Not Voting.

|                  |           |
|------------------|-----------|
| Mr. Speaker.     | Jennings. |
| Baker of Orange. |           |

Absent.

|             |             |
|-------------|-------------|
| Barker.     | Harris.     |
| Bobbitt.    | Johnson.    |
| Brady.      | Kemble.     |
| Bryant.     | LeSturgeon. |
| Covey.      | Lusk.       |
| Culp.       | Martin.     |
| Davenport.  | Melson.     |
| Dodd.       | Shires.     |
| Fugler.     | Stewart     |
| Green.      | of Edwards. |
| Hardin      | Strickland. |
| of Kaufman. | Sweet.      |

Absent—Excused.

|                 |              |
|-----------------|--------------|
| Baldwin.        | Henderson    |
| Blount.         | of Marion.   |
| Bonham.         | Hendricks.   |
| Carpenter       | Jones.       |
| of Dallas.      | Laird.       |
| Carson.         | Lamb.        |
| Carter of Coke. | Merriman.    |
| Collins.        | Miller.      |
| Crawford.       | Pope.        |
| Dielmann.       | Price.       |
| Dinkle.         | Purl.        |
| Downs.          | Russell      |
| Frnka.          | of Callahan. |
| Harrington.     | Wallace.     |

#### ADOPTING JOINT RULES.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 3, Adopting Joint Rules.

Resolved, That the Joint Rules of the House and Senate of the Regular Session of the Thirty-eighth Legislature be adopted as the Joint Rules of the Second Called Session of the Thirty-eighth Legislature.

The resolution was read second time and was adopted.

#### ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 3:25 o'clock p. m., adjourned until 11 o'clock a. m. tomorrow.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports today on bills as follows:

Appropriations—Senate bills Nos. 1 and 2, House bill No. 5.

Revenue and Taxation—House bill No. 1.

#### SECOND DAY.

(Tuesday, April 17, 1923.)

The House met at 11 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

|                  |                  |
|------------------|------------------|
| Abney.           | Finlay.          |
| Amsler.          | Fugler.          |
| Arnold.          | Gipson.          |
| Atkinson.        | Green.           |
| Avis.            | Greer.           |
| Baker of Milam.  | Hardin of Erath. |
| Baker of Orange. | Harrington.      |
| Baldwin.         | Harris.          |
| Barker.          | Henderson        |
| Barrett.         | of Marion.       |
| Beasley.         | Henderson        |
| Bell.            | of McLennan.     |
| Bird.            | Hendricks.       |
| Blount.          | Houston.         |
| Bonham.          | Howeth.          |
| Bryant.          | Hughes.          |
| Burmeister.      | Hull.            |
| Cable.           | Irwin.           |
| Carpenter        | Jacks.           |
| of Dallas.       | Jennings.        |
| Carpenter        | Johnson.         |
| of Matagorda.    | Lackey.          |
| Carson.          | Laird.           |
| Carter of Hays.  | Lamb.            |
| Chitwood.        | Lane.            |
| Coffee.          | LeMaster.        |
| Collins.         | Loftin.          |
| Covey.           | Looney.          |
| Cowen.           | McBride.         |
| Crawford.        | McDaniel.        |
| Culp.            | McDonald.        |
| Davenport.       | McFarlane.       |
| Davis.           | McKean.          |
| DeBerry.         | McNatt.          |
| Dinkle.          | Martin.          |
| Downs.           | Mathes.          |
| Driggers.        | Maxwell.         |
| Duffey.          | Melson.          |
| Dunlap.          | Merritt.         |
| Dunn.            | Moore.           |
| Durham.          | Morgan           |
| Edwards.         | of Liberty.      |
| Faubion.         | Morgan           |
| Fields.          | of Robertson.    |

|                     |                    |
|---------------------|--------------------|
| Pate.               | Smith.             |
| Patman.             | Sparkman.          |
| Patterson.          | Stell.             |
| Perdue.             | Stevens.           |
| Pinkston.           | Stewart of Jasper. |
| Pool.               | Stewart of Reeves. |
| Potter.             | Stiernberg.        |
| Purl.               | Storey.            |
| Quaid.              | Stroder.           |
| Quinn.              | Sweet.             |
| Rice.               | Teer.              |
| Robinson.           | Thompson.          |
| Rogers.             | Thrasher.          |
| Rountree.           | Turner.            |
| Rowland.            | Vaughan.           |
| Russell             | Wallace.           |
| of Callahan.        | Westbrook.         |
| Russell of Trinity. | Wessels.           |
| Sackett.            | Williamson.        |
| Sanford.            | Wilmans.           |
| Satterwhite.        | Wilson.            |
| Shearer.            | Young.             |
| Simpson.            |                    |

Absent.

|             |             |
|-------------|-------------|
| Dodd.       | Shires.     |
| Hardin      | Stewart     |
| of Kaufman. | of Edwards. |
| Lusk.       | Strickland. |

Absent—Excused.

|                 |             |
|-----------------|-------------|
| Bobbitt.        | Merriman.   |
| Carter of Coke. | Miller.     |
| Dielmann.       | Montgomery. |
| Frnka.          | Pope.       |
| Jones.          | Price.      |
| Kemble.         | Wells.      |
| LeSturgeon.     | Winfree.    |
| Lewis.          |             |

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Pope, for today, on motion of Mr. Shearer.

Mr. Wells and Mr. Montgomery, for today and remainder of week, on motion of Mr. Gipson.

Mr. LeSturgeon, for today and remainder of week, on motion of Mr. Davenport.

Mr. Winfree, for today and remainder of week, on motion of Mr. Rogers.

Mr. Bobbitt, for yesterday and today, on motion of Mr. Arnold.

Mr. Lewis, for today and remainder of week, on motion of Mr. Culp.

Mr. Bryant, for yesterday, on motion of Mr. Howeth.

Mr. Miller, for today and remainder of week, on motion of Mr. Maxwell.

Mr. Price, for today, Wednesday and Thursday, on motion of Mr. Patman.

Mr. Kemble, for today, on motion of Mr. Potter.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Patman and Mr. Maxwell:

H. B. No. 15, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State Tax Board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this act amended, said article shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions thereof; providing that any such individual, company, corporation or association engaged in any other business, upon which an occupation tax based on gross receipts is levied, shall not be relieved from the payment of such occupation tax by reason of the payment of taxes based on intangible values; fixing the salary of the Tax Commissioner, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Laird:

H. B. No. 16, A bill to be entitled "An Act to promote the school interests of rural schools and those of small towns by the appropriation of two million (\$2,000,000) dollars, or so much thereof as may be necessary for the next fiscal year ending August 31, 1924, and two million (\$2,000,000) dollars for the fiscal year ending August 31, 1925; provided that such appropriation shall be expended to aid all schools of Texas whose enrollment is five hundred (500)

scholastic pupils or less, if such school has levied and is collecting a fifty-cent (\$0.50) tax; and provided that such school shall not have sufficient funds to maintain a term of nine (9) months without such aid from this appropriation; providing that the county superintendent shall determine when any school making application for such aid shall have met the requirements of this act."

Referred to Committee on Appropriations.

By Mr. Wilson:

H. B. No. 17, A bill to be entitled "An Act making all fees of office derived from suits brought for the collection of delinquent taxes ex-officio fees of office, and providing that said ex-officio fees shall not be accounted for, and shall be in addition to the maximum salaries allowed and provided for office holders mentioned in Title 58 of the Revised Civil Statutes of 1911 and all amendments thereto, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Wilson:

H. B. No. 18, A bill to be entitled "An Act to amend Article 3892, Title 58, of the Revised Civil Statutes of 1911, making the 10 per cent fees for the collection of delinquent fees, ex-officio fees, and in addition to the maximum salary now allowed by law to office holders; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Melson, Mr. Culp, Mr. Baker of Orange, Mr. Fields, Mr. Simpson and Mr. Young:

H. B. No. 19, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500 and 7502, Revised Statutes of Texas, 1911; also repealing Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, and Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repeal-

ing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Abney:

H. B. No. 20, A bill to be entitled "An Act providing that any hotel or boarding house or other place to which the people resort for board or lodging and which place repeatedly permits employes or guests to make, sell or give away intoxicating liquor or permits parties to drink intoxicating liquors to excess, or permits gambling or prostitution, shall be declared a nuisance to be abated by the courts; and providing that when such acts are repeatedly committed by guests or employes that fact shall be prima facie evidence that the proprietors, managers or those in charge have knowledge of same, and unless controverted shall be grounds for issuing an order of injunction; and providing that it shall not be necessary to prove that such conditions obtain at the time of the sitting of the court, but only that the material allegations are true, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Perdue and others:

H. B. No. 21, A bill to be entitled "An Act to require every athletic association in this State and every person managing or controlling any athletic field or ground in this State upon which is played any game of baseball or football to which admission is charged for profit, and every proprietor or manager of any moving picture show, and every owner of a cold drink stand or retailer of soda pop and soft drinks, or bowling alley in this State to pay a gross income tax, and fixing the per cent of such tax upon gross sales and the method of ascertaining the amount of same and the time for the payment of the same, and requiring a permit to operate any such athletic field, moving picture show or cold drink stand or bowling alley; to define a cold drink stand and bowling alley, and to affix a penalty for the violation of any of the provisions of this act."

Referred to Committee on Revenue and Taxation.

By Mr. Quinn:

H. B. No. 22, A bill to be entitled "An Act relative to liens for furnishing

irrigation water and service, amending Chapter 88 of the General Laws of the Thirty-fifth Legislature, Regular Session, approved March 9, 1917, by amending Section 87 of said act, limiting and regulating the contract lien upon crops irrigated, exempting municipal owned companies or associations or governmental agencies, and levying an occupation tax, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Greer, Mr. Melson, Mrs. Wilmans, Mr. Chitwood, Mr. Wallace and Mr. Henderson of Marion:

H. B. No. 23, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholars shall receive such aid; giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent school from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the

provisions of this act; repealing all laws and parts of laws in conflict herewith."

Referred to Committee on Appropriations.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 1, "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employes of the Second Called Session of the Thirty-eighth Legislature of the State of Texas; to pay the unpaid warrants held by members, officers and employes of the Regular Session of the Thirty-eighth Legislature; to pay the per diem of the employes for post-session work of the Regular Session of the Thirty-eighth Legislature; to pay the per diem of members, officers and employes for the pre-session work of the Second Called Session of the Thirty-eighth Legislature, convened on the 16th day of April, 1923, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

S. B. No. 2, "An Act making appropriations to pay the contingent expenses of the Second Called Session of the Thirty-eighth Legislature of the State of Texas; to pay the contingent expenses of the post-session work of the Regular Session of the Thirty-eighth Legislature and to pay the contingent expenses of the pre-session work of the Second Called Session of the Thirty-eighth Legislature of the State of Texas, convened April 16, 1923, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

#### MESSAGE FROM THE GOVERNOR.

Mrs. J. F. Tindale, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House as follows:

Governor's Office,  
Austin, Texas, April 16, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: During the days of Roman splendor it was said that Cato, the Censor, never made a speech in be-

half of Rome in which he did not declare, "Carthage must be destroyed." During recent years in this State, the great rank and file of our people have been declaring with the zeal and earnestness of the distinguished Roman, that the spirit of lawlessness, and the spirit of disrespect for governmental authority in Texas, must be destroyed. The adverse criticism of those who have taken their stand on the other side of this supremely important question has neither turned its champion and defenders from their course, nor discouraged them as to the ultimate triumph of this just and righteous cause. Therefore, in the name of the proponents of law and order in this State, I come for the fourth time to present briefly certain specific phases of law enforcement to the attention of the Legislature.

The law may not lead civilization, but it is always found co-equal and co-extensive with it. Where there is no law there is no civilization. While freedom is frequently won by force of arms, it is always preserved by the law. Liberty and law walk arm in arm down the ringing corridors of time. When a people lose their vision of the supremacy of the law, they are headed straight for the rocks of destruction.

The Constitution of a country is a sacred document. There is no one part of the Constitution to be observed with more fidelity than any other part of it. It is bad enough to violate our statutory law. It is more reprehensible, however, to disregard our constitutional inhibitions. We have but one Constitution for the nation and but one Constitution for the State, and each and every part of these documents is binding on all the people. Both the national and the State Constitutions prohibit the manufacture and the sale of intoxicating beverages; therefore, every man who loves his country, or respects her laws, should now be an active defender of this constitutional provision. No full-fledged, red-blooded son of Texas should encourage by voice or aid by vote, the liquor traffic. No man, or group of men, should be permitted to nullify the Constitution of the country, or defy the law of the land.

By constitutional and statutory enactments, the bootlegger is now the outlawed enemy of civilization. He prostitutes statesmanship with ill-gotten gold; he debauches official life with polluted politics; he pulls down the flag of his State with traitorous hands, and

laughs to scorn the Constitution of his country. He combines the spirit of the Bolshevik and the anarchist. There should be no spot on Texas soil where the bootlegger should be permitted to stand and conduct his nefarious business. He is an enemy to our civilization and no one should, by word or act, make easy his pathway.

If the moonshiner is caught making whisky, or the bootlegger is apprehended handling it, he should be, when this is proven on him, sent to the penitentiary, unless he is able to explain to the satisfaction of an unprejudiced jury that he was making, or handling it, within the law. When a person is found in a public place with concealed weapons on his person, he is convicted, unless he can prove that he had a right to carry the weapon. When a person is found with stolen property in his possession, he is adjudged guilty under the law unless he can explain to a court and jury how and why the stolen property came into his possession. By exactly the same rules of evidence, the moonshiner and the bootlegger should be tried. The booze business in Texas will not be stopped until we have a law of this kind. It is indeed a sad commentary that we have come upon a day when the liquor influence of this State is so strong that the people who wrote the prohibition law are unable to get adequate legislation for its enforcement. Our prohibition law is not the edict of a king. The people who own this government went to the ballot box, the last resort of freemen, except the battlefield, and wrote with their own hands this prohibition law into the fundamental principles of their government. Therefore, the people who made this law have a right to look to their public servants for whatever laws are necessary to adequately enforce this constitutional provision.

#### Officers of the Law Should Enforce the Law or Be Put Out of Office.

Neither the prohibition law, nor any other law, is automatic in its enforcement. A law cannot put on its hat and walk out of the statutes and enforce itself. Laws can only be given life by official action. Therefore, officers are elected by the people and charged with the responsibility of enforcing the law. They are the agents of the people. The people placed their trust in them by making them guardians of their property, their liberty, and their lives.

There is no channel through which the law can be enforced except by authority and power vested in the officers. For this high purpose the resources of the State and the powers of the government are placed at their command. The officer who keeps his eye shut to the law and connives at its violations, should not be permitted to receive the emoluments of office. The officer who is unwilling to enforce the law should be stripped of every official power and every insignia of office. When an officer wilfully and corruptly fails and refuses to enforce a law, he should be ousted from office.

#### Ouster Proceedings.

The Attorney General of the State should be authorized to go into the open courtroom before judge and jury, and if he proves to twelve men in the jury box that an officer has wilfully and corruptly failed and refused to enforce the law, then in that event said defaulting officer should be ousted by order of the court. In order that the State and the defendant may each get a fair trial, the Attorney General, if he so desired, should have the authority to institute ouster proceedings in a county other than the residence of the officer to be tried. Similar proceedings as to where a person may be tried, may now be instituted in criminal assault cases, in conspiracy, in pandering, in misapplication of public funds, in violation of anti-trust laws, in abduction, in kidnaping, in violation of the highway law and in several other offenses against the laws of Texas. There is no use to try an officer in his own county. The very fact that a county has an officer who refuses to enforce the law is strongly suggestive that the State would not get a fair trial in an effort to enforce the law. Try him where both the State and the defendant can have a fair and impartial trial. If you try him in his own county, where all his friends, relatives, supporters, and henchmen live, he can easily get one juror out of the twelve who will hang the jury. A bill thus providing for the removal of officers is not needed in many counties, but in some counties it is badly needed. It will not hurt the good officers. The corrupt, dishonest officers are not entitled to be protected in their official misconduct.

Certainly no member of the Thirty-eighth Legislature should object to the passage of a bill providing for the re-

moval of officers on the ground that the venue of such a suit is placed in a neighboring county to the county in which the officer resides, because at the Regular Session of this Legislature, Senate bill No. 34 passed the House and the Senate without a dissenting vote. That bill pertained to the prosecutions, or quo warranto proceedings relative to the forfeiture of charters of domestic corporations and contained the following provision:

"Article 7801. For a violation of any of the provisions of this chapter, or any anti-trust laws of this State, by any corporation, it shall be the duty of the Attorney General, when in his judgment the public interest requires it, upon his motion and without leave or order of any judge or court, to instigate suit or quo warranto proceedings in Travis county, or at the county seat of any county in the State which the Attorney General may select, for the forfeiture of its charter rights and privileges, and the dissolution of its corporate existence, and for such purposes venue is hereby given to each district court in the State of Texas."

There was no objection to the passage of the above mentioned bill, notwithstanding it gave to the Attorney General the authority to institute suit, or quo warranto proceedings either in Travis county, or in any other county of the State.

That there is necessity for the passage of a law providing for the removal of officers against whom it can be proven that they wilfully and corruptly refused to enforce the law, there can be no question. This is no indictment against all the officers of Texas, but it can be truthfully stated that there are officers in certain localities who openly and arrogantly, wilfully and corruptly fail and refuse to uphold and enforce the law. They protect the criminal and neglect the public. Instead of enforcing the law, they stand in the way of the law. This statement is made after investigation and with a full understanding of its meaning.

You may not know it, but it is a fact that there are places in Texas where the booze traffic is protected by official life. Officers of the law should not shield crime anywhere. To protect or make easy violations of the prohibition law, is to encourage lawlessness. Whoever encourages lawlessness strikes at the very heart of his own government.

### State Sovereignty in the Enforcement of the Law.

Argument has been made by some people that the officers and the people of the respective counties are the judges as to how the laws should be enforced in their respective counties; that the enforcement of the laws in these counties is not a matter in which the State should interfere; and that for the State to do so is a violation of the fundamental principles of local self-government. There is no such thing as local self-government in regard to violations of the law. Our government was not instituted to favor criminals, but to protect the law-abiding. Every crime that is committed is a crime against the State. The State enacts laws, not the counties. The State is the sovereign government. Counties are but political subdivisions of the State, made by the State for the convenience of the State in the administration of the government. Counties elect their officers, but elect them to enforce State laws. Every indictment charging an offense against the law begins in the name of the State and closes against the peace and dignity of the State. Every person in the penitentiary was sent there in the name of the State, not in the name of the county. The State pays the expenses of the sheriff who arrests him, of the judge who tries him, and of the penitentiary authorities who keep him. Therefore, the standard in behalf of law and order must be raised in the name of the State. When county officers protest against the State sending her rangers and her State officials to a county to enforce the law, the protest is always made for the benefit of the criminals and not the law-abiding people. If a county were permitted to set up its own standard for law enforcement, then the criminals could take charge of some small county in Texas and have a world of unrestrained lawlessness all their own. No parliament of gamblers, bootleggers, thieves, thugs, murderers, and trespassers of the law generally, should be permitted to establish courts, elect officers, and take charge of any county in this State. The law should be enforced and respected on every square foot of Texas soil.

In the name of law and order, and its efficient administration, I submit to you for your consideration, and recom-

mend the passage of legislation on the following subjects:

1. To vest the courts of Texas with effective authority to remove from office any officer against whom it can be proven in open court and before a jury, that such officer has wilfully and corruptly failed and refused to enforce, as he took an oath to enforce the laws of the country.

2. To pass such laws as will make more effective the provisions of the Federal and State Constitutions which prohibit the manufacture, the sale, and the transportation of intoxicating beverages.

3. A law providing that in criminal prosecutions, counsel for the State shall have a right to argue the fact that defendant failed to testify in his own behalf.

4. A law providing that no case, civil or criminal, shall be reversed for technical reasons that do not in any way touch the merits of the case; providing also for a modification of the court procedure requiring courts of appeal to write lengthy decisions on all questions raised in a case, permitting the judges to write short and simple decisions on all well established points of law.

Respectfully submitted,  
PAT M. NEFF,  
Governor.

### ADDRESS BY HON. ROSCOE POUNDS.

In accordance with a resolution heretofore adopted, inviting Hon. Roscoe Pounds to address the Legislature, the Speaker announced the appointment of the following committee to escort Hon. Roscoe Pounds to the Speaker's stand:

Messrs. Carpenter of Dallas, Melson, Bell, Beasley, Henderson of McLennan, Morgan of Robertson.

Senators Darwin and Thomas were requested by the Speaker to accompany the committee to the platform.

The committee having performed their duty, Speaker Seagler presented Senator Darwin, who in turn introduced Hon. Roscoe Pounds.

Hon. Roscoe Pounds then addressed the Legislature.

### RECESS.

On motion of Mr. Satterwhite, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

## RELATING TO PRINTING OF HOUSE BILLS.

Mr. Satterwhite offered the following resolution:

Resolved, That a committee of three members of the House be appointed by the Speaker to investigate why delay has been made in the printing of House bills and to make such report and recommendations as may in the judgment of the committee seem best.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Satterwhite, Quaid and Moore.

## FINANCIAL STATEMENT.

On motion of Mr. Quaid, the following statement was ordered printed in the Journal:

Hon. R. E. Seagler, Speaker of the House of Representatives.

Dear Sir: I have prepared the following financial statement and herewith submit same to you for your information:

Financial statement based on estimate compiled from Comptroller's statement and from the financial budget submitted by the State Board of Control for the two fiscal years ending August 31, 1924, and August 31, 1925, respectively:

Fiscal Year Ending August 31, 1924.

Deficit on September 1, 1923. \$ 3,500,000

Miscellaneous and emergency appropriations to be made by the Second Called Session of the Thirty-eighth Legislature ..... 700,000

Recommendations of Board of Control ..... 16,000,000

Appropriations made by the Thirty-eighth Legislature . 848,000

Revolving fund and incidental expenses (estimated) 300,000

Total .....\$21,348,000

Fiscal Year Ending August 31, 1925.

Appropriations made by the Thirty-eighth Legislature \$ 1,418,750  
Board of Control estimate... 14,200,000  
Miscellaneous and emergency expenses ..... 300,000

Total .....\$15,918,750

Grand total of necessary appropriations for above items and expenditures...\$37,266,750

It has been correctly estimated that the total possible revenue for the biennium based on the constitutional limit of 35 cents plus receipts from all other sources will be \$36,000,000. The Thirty-eighth Legislature in Regular Session passed the sulphur tax, which will likely for the biennium raise \$1,260,000 in addition; making total of \$37,260,000.

It will be readily seen that the present revenue will take care of the appropriations, provided, first, that the Legislature accept the totals of appropriations as submitted by the Board of Control; and provided further, that the Legislature appropriate no further moneys for any purpose whatsoever during the Special Sessions of the Legislature.

This is equivalent to saying that if certain customary appropriations for schools are to be made, and if we are to take care of some of our new institutions, then, and in that event, we will be forced to raise additional revenue.

The purpose of this statement is not as an argument for or against appropriations in certain directions, nor is it an argument for or against raising revenue, but the sole purpose of this statement at this time is to advise those who are interested as to what is the true situation as understood by me.

Respectfully,

J. E. QUAID,

Chairman of the Committee on Appropriations.

## RELATING TO HOUSE BILL NO. 4.

On motion of Mr. Patterson, by unanimous consent, the name of Mr. Carpenter of Dallas, as one of the authors of the bill, was withdrawn from the bill.

On motion of Mr. Quinn, Mrs. Wilmans was permitted to attach her name to the bill as one of its authors.

## ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 2:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Appropriations—House bill No. 5.

Revenue and Taxation—House bills Nos. 1 and 11.

Judiciary—House bill No. 4.

## THIRD DAY.

(Wednesday, April 18, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

|                  |                  |
|------------------|------------------|
| Abney.           | Duffey.          |
| Amsler.          | Dunlap.          |
| Arnold.          | Dunn.            |
| Atkinson.        | Durham.          |
| Avis.            | Edwards.         |
| Baker of Milam.  | Faubion.         |
| Baker of Orange. | Fields.          |
| Barker.          | Finlay.          |
| Barrett.         | Fugler.          |
| Beasley.         | Gipson.          |
| Bell.            | Green.           |
| Bird.            | Greer.           |
| Blount.          | Hardin of Erath. |
| Bryant.          | Harrington.      |
| Burmeister.      | Harris.          |
| Cable.           | Henderson        |
| Carpenter        | of Marion.       |
| of Dallas.       | Henderson        |
| Carpenter        | of McLennan.     |
| of Matagorda.    | Hendricks.       |
| Carter of Hays.  | Houston.         |
| Chitwood.        | Howeth.          |
| Coffee.          | Hull.            |
| Collins.         | Irwin.           |
| Covey.           | Jacks.           |
| Cowen.           | Jennings.        |
| Crawford.        | Kemble.          |
| Culp.            | Lackey.          |
| Davenport.       | Lane.            |
| Davis.           | LeMaster.        |
| DeBerry.         | Loftin.          |
| Dinkle.          | Looney.          |
| Downs.           | McBride.         |
| Driggers.        | McDonald.        |

|               |                     |
|---------------|---------------------|
| McFarlane.    | Russell             |
| McKean.       | of Callahan.        |
| McNatt.       | Russell of Trinity. |
| Martin.       | Sackett.            |
| Mathes.       | Sanford.            |
| Maxwell.      | Satterwhite.        |
| Melson.       | Shearer.            |
| Merritt.      | Shires.             |
| Moore.        | Simpson.            |
| Morgan        | Sparkman.           |
| of Liberty.   | Stell.              |
| Morgan        | Stevens.            |
| of Robertson. | Stewart of Jasper.  |
| Pate.         | Stewart of Reeves.  |
| Patman.       | Stiernberg.         |
| Patterson.    | Storey.             |
| Perdue.       | Stroder.            |
| Pinkston.     | Sweet.              |
| Pool.         | Teer.               |
| Potter.       | Thompson.           |
| Purl.         | Thrasher.           |
| Quaid.        | Vaughan.            |
| Quinn.        | Wallace.            |
| Rice.         | Westbrook.          |
| Robinson.     | Wessels.            |
| Rogers.       | Williamson.         |
| Rountree.     | Wilmans.            |
| Rowland.      | Wilson.             |
|               | Young.              |

Absent.

|             |             |
|-------------|-------------|
| Baldwin.    | McDaniel.   |
| Dodd.       | Merriman.   |
| Hardin      | Smith.      |
| of Kaufman. | Stewart     |
| Johnson.    | of Edwards. |
| Lamb.       | Strickland. |
| Lusk.       |             |

Absent—Excused.

|                 |              |
|-----------------|--------------|
| Bobbitt.        | LeStourgeon. |
| Bonham.         | Lewis.       |
| Carson.         | Miller.      |
| Carter of Coke. | Montgomery.  |
| Dielmann.       | Pope.        |
| Frnka.          | Price.       |
| Hughes.         | Turner.      |
| Jones.          | Wells.       |
| Laird.          | Winfree.     |

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Dodd for last Monday and Tuesday, on motion of Mr. Rice.

Mr. Shires for last Monday and Tuesday, on motion of Mr. Stewart of Jasper.

Mr. Carson for yesterday and today, on motion of Mr. Beasley.